

FOR THE DISTRICT OF DELAWARE

RAYMOND E. BLAKE  
PLAINTIFF  
VS.

CIVIL ACTION

CIVIL RIGHTS COMPLAINT

NO. 07-405

RAPHAEL WILLIAMS, WARDEN

CARL C. DANBERG, COMMISSIONER

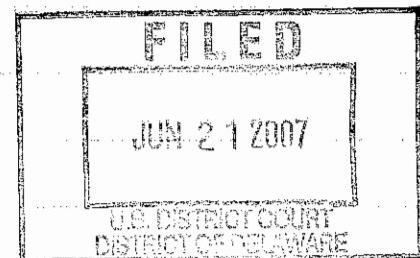
07-405

RUTH ANN MINNER, GOVERNOR

JAMES M. BAKER, MAYOR

C. M.S., HEALTH CARE

DEFENDANT(S).



AMENDED CIVIL RIGHTS COMPLAINT

I. JURISDICTION

1. This is a civil action authorized by 42 U.S.C. § 1983(a), § 1985(b), and § 1986, to address the deprivation of rights secured by the constitution of the United States. The court has jurisdiction under 28 U.S.C. § 1331. Plaintiff seeks declaratory relief pursuant to 28 U.S.C. § 2201 and 2202.

II. PLAINTIFF

2. Plaintiff, Raymond E. Blake is an inmate currently housed at the H.R.Y.C.I (Howard R. Young Correctional institution) and has been there for the past (9) nine months. POST OFFICE BOX 9561, Wilmington, Delaware 19809.

### III. DEFENDANT

3. Defendant, Raphael Williams, Warden, in <sup>UNOFFICIAL</sup> and official capacity as Warden of the Howard R. Young correct. Institution. For the state of Delaware. Is legally responsible for the management and supervision of the overall operations of his department.
4. Defendant, Ruth Ann Minner, Governor, in <sup>UNOFFICIAL CAPACITY</sup> official capacity as Governor of the state of Delaware and all said-above branches of authority, is legally responsible for the management and supervision of the overall operations for each Department.
5. Defendant, Carl C. Danberg, Commissioner, in <sup>UNOFFICIAL AND</sup> official capacity as Commissioner of corrections for the state of Delaware and all said-above branches under his authority, is legally responsible for the management and supervision of the overall operation(s) for each Department.
6. Defendant, James M. Baker, Mayor, in <sup>UNOFFICIAL CAPACITY AND</sup> official capacity as Mayor for the city of Wilmington, Delaware and all-said above branches under his authority, is legally responsible for the management and supervision of the overall operation(s) for each Department.
7. Defendant, C.M.S, Prison health care agency, in <sup>UNOFFICIAL AND</sup> official capacity as the prison health care for inmates of Delaware under it's authority, is legally respons-

-ible for the management and supervision of the overall operation(s) of the prison health care system.

#### IV. FACTS

8. For months inmates have been filing grievances to the warden on unkempt housing units and health concerns such as: Rats & mice (Rodents) on the housing units; Ants and Termites, untimely sick call procedure; Three men to A cell; Airconditioner not being cut on (unkempt Eco system) when outside temperature is 90° degrees and above; water leaking through the cracks of the wall flooding the entire cell with people sleeping on the floor; Food being served on dirty trays; Food being served hours after prepared; inmates being filtered in general population before medical thoroughly examines them for diseases, inmates not being able to attend Islamic services (Muslim) due to A lack of policy etc....
9. Defendant, commissioner of corrections, Carl C. Danberg is allowing this unsanitary, unkempt, health threatening situation to continue to take place by not addressing the many grievances that inmates have filed.
10. Defendant, Governor of the state of Delaware, Ruth Ann Minner, is responsible for the negligence that the inmates are receiving at the Howard R. Young correctional institution, because she doesn't thoroughly investigate the many complaints being

filed by the inmates as well as the outside family members of the inmates.

11. Defendant, Mayor of the city of wilmington, Delaware, James M. Baker is responsible for the ill treatment of the inmates of Howard R. Young Correctional Institution, because he doesn't do a thorough investigation of the many complaints being filed by the inmates at the facility.
12. Defendant, Medical care for inmates, C. M. S. is responsible for placing sick inmates in general population without thoroughly examining them for diseases before the fitting them main stream exposing healthy inmates into many of sicknesses these unexamined people carry.
13. All of the Defendants are equally responsible for the injuries caused to the inmates for not placing preventive measures or policies in place that would assure the safety of sentenced and unsentenced inmates. All of the defendants are at fault for exposing the inmates to an unhealthy living quarter that in return caused the many of complaints that weren't properly adhered to.

Examples Next Page ➔

PLAINTIFF  
FACTS

Injury to my hand was not properly administered in a timely fashion.

My name is Raymond E. Blake. And I'm an inmate at Howard R. Young correctional institute. And have been housed there for the past eight months. I was attacked by an sentenced inmate while I was unsentenced which in returned caused permanent damage to my right hand. The attack~~ed~~ happened in october of 2006. I put in sick call slips in october and didn't receive an appointment until around Feburary.

The doctor took x-rays of my right hand and told me he would send them to an outside hospital for further examinations. He never gave me any pain medicine or anything. It's June now and I still don't know why I can't shut my hand or apply pressure when giving a handshake.

Raymond E. Blake  
SB# 377092  
H.R.Y.C.I  
P.O. BOX 9561  
Wilm, DE 19809

Witness

Facts Food Being Served On Dirty Trays

My name is Michael Smallwood. I've been housed on the 2-H Pod Cell#12 at the Howard R. Young Facility for the past two months. Since I've been here every day, throughout the course of these days, the food trays have been coming up to the pod with leftover food from the previous meal that was served. I have not seen any improvement on the trays. I've written the Warden only to receive negative results.

Michael Smallwood  
SBI# 276030  
H. R. Y. C. L.  
P.O. Box 9561  
Wilm. De. 19809

~~CONFIDENTIAL~~  
PLAINTIFF      FACTS

Rats & Mice (Rodents)

I'm an inmate housed at the Howard R. Young Correctional Institution on housing Unit 2 H pod cell #12. And the reason that I am writting is, because I've been incarcerated for the past (9) nine months sleeping on the floor in a 6 by 9 prison cell accompanied by two other individuals. Every night I clog the door opening with newspaper to try to prevent the many rats & mice from entering the prison cell and biting me or one of my cellies. I wrote grievances to the warden only to be ignored and returned with negative results.

Raymond E. Blake  
SB# 377092  
H.R.Y.C.I  
P.O. Box 9561  
Wilm, DE. 19809

PLAINTIFFFactsAir Conditioner not being Cuton

My name is Anthony D Rogers  
I'm a inmate housed in the  
Howard R. Young Correctional Institu  
on housing Unit 2H Cell 19 I'm  
writing on the concern and issue of  
the air conditioner there is "no" air  
coming through the vents and I'm an  
inmate that have asthma and I can  
die from the heat but they don't care  
about that they tell me to deal with it

Anthony Rogers  
SBI# 342210  
Pad 2H Cell 19  
Po Box 9561  
Wilm, DE 19809

Witness

# Facts

## Three man to a Cell

My name is Anthony M. Walker and I am a inmate housed in the Howard, R. Young Correctional Institution on housing unit 2H cell 19. I'm writing on the concern of a issue of three men to a cell. The cells that we are confinde to are 6 by 9 one sink, toilet two beds a desk and the third inmate sleeps on the floor. The living Conditons that we live in are unhealthy, unsafe and a real problem.

Inmate's all have there own personal belongings and have to cramp up an make space, to fit for three grown men.

The gaurds tell us that we cannot block out the sunlight that comes threw are windows, the air on our unit is not working and we can't even leave our doors cracked open to get a little breeze threw. Ants are ~~are~~ invading our living space which is very unsanitary, we have complained to the ~~Officer~~ <sup>Correctional</sup> Officer plenty of times about this and have recievel no results, with the contiuos of ants crawling on me while I'm ~~is~~ sleeping on the floor.

W.H.M. Facts

When we have a hard rain Water leaks through the cracks in the floor tiles and window seals. My sleeping Mattress becomes wet, and I have noway to dry it. My Commissary Gets wet also being that its in the floor too. I also have ants coming through the same crack that the water leaks through. the get into my Commissary which is then not fit to eat, so I got to put it into the trash. My Love ones hard earn ~~money~~ money gone to waste. I am a person with Congestive Heart Failure. Which I made known the day I entered H.R.Y.C.I. Being that my Heart doesn't equally on both sides, I suffer from short of breath, and I've have needed a pillow to breath and lay down. since 1977, I was tolded that their is no Pillows aloud. Per: Warden. In my case it's life threaten.

Gene B. Middle Jr.

SBI # 334809

H.R.Y.C.I 2-H6

Wilm. De P.O. Box 9561  
19809

WITNESS

Facts

Inmates Battling Ants Termites

I'm a inmate At Howard R. Young Correction Institution. I'm Backing House Here I'm complaining about the ants and termites in my cell I've been complaining for months and nothing been done about the problem I wrote grievances so the warden only do be ignored and returned with negative results,

Daron J. Rodgers  
SBI: 328265  
H.R.Y.C.I  
P.O.Box 9561  
Wilm, DE. 19809

WitnessFactsUntimely Sick Call Procedure

My Name is Steven Joyner JR, I'm an inmate housed at the Howard R. Young Correctional institution On housing Unit 2-Hpod Cell #4. The reason I am writing you IS, because I was sick the first day I came on April 28, 2007. I put an sick call slip on May 1 stating I was very sick. Mean while I was waiting until I was answer. Came to May 10, 2007 I put another slip. Mind you it now May 31, 2007 and I'am healing slowly.

Steven Joyner  
SB i 537-610  
H.R.y.C.I  
P.O. Box 9561  
Wilm, DE. 19809

WitnessFacts

Food being served hours after Prepared

I am an inmates housed at the Howard R. Young Correctional institution on housing unit 2 H pod cell #20. And the reason I am writing is that on top of the food waiting to be brought over to this side of the institution it sit up in the little room for least a hour or not hours so when we do get it, it is cold. We would like to be served some food that is least warm, if not hot.

Nakeem Hammens  
S.B.I #304560  
H.R.Y.C.I  
P.O. Box 9561  
Wilm, Del. 19809

WITNESS

FACTS

INMATES BEING FILTERED IN GENERAL POPULATION BEFORE MEDICAL, THOROUGHLY EXAMINES THEM FOR DISEASES

I'M AN INMATE HOUSED AT THE HOWARD R. YOUNG CORRECTIONAL INSTITUTION ON HOUSING UNIT 2H CELL #1. I AM WRITING IN CONCERN OF A ISSUE THAT I HAVE NOTICED IS A HARM TO MY HEALTH AND OTHERS. THAT IS THE FACT THAT INMATES ARE BEING BROUGHT IN FROM THE STREETS AND IMMEDIATELY BEING HOUSED INTO POPULATION WITHOUT BEING QUARANTEENED. I HAVE BEEN EXPOSED TO TUBERCULOSIS SINCE I'VE BEEN INCARCERATED AND I BELIEVE IT IS BECAUSE OF THIS SITUATION THAT NEED<sup>BE</sup> ADDRESSED.

MICHAEL A. Jay  
SBI #519040  
H.R.Y.C.I P.O BOX  
9561  
W/M. DE, 19809

## V. LEGAL CLAIMS

14. Defendant(s) Raphael Williams, C.M.S., Ruth Ann Minner, Carl C. Danberg, James M. Baker with requisite state of mind knew of and Deliberately Disregarded inmate Health or safety. Defendant(s) knew that Plaintiff's Faced unhealthy Living conditions by many grievance attached Hereto Demonstrates this is A ongoing problem after the Defendant(s) received written report of these Deprivation they have refused to remedy the wrong Defendants objectively knew the Deprivation was subjectively serious And Disregarded it.

15. Defendant(s), Raphael Williams, Ruth Ann Minner, James M. Baker, Carl C. Danberg and C.M.S are liable for the reckless disregard and deliberated indifferences For inmates rights to be free from inhumane living conditions as well as unhealthy living quarters, by not putting in place preventive policy measures for the rampant misconduct and unprofessionalism displayed in the inmate housing facilities of Wilmington, Delaware. violating 42 U.S.C. § 1983; § 1985; § 1986.

16. Defendant(s) Raphael Williams; Carl C. Danberg; C.M.S.; Ruth Ann Minner are all in direct or indirect violation of Neglecting their supervisoral and or Management job detail by not investigating the many grievances written up by the inmates and allowing the inmates to be housed in unsanitary, health risk environments is A Failure to their job detail or

~~Functions.~~

17. Defendant(s) Raphael Williams; Carl C. Danberg; James M. Baker, C.M.S., And Ruth Ann Minner are all in direct violation for willingly and or knowingly conspiring with each other to abandon the rights of the inmates and violating the Plaintiff's Amended rights as well as constitutional rights by not implementing a religious structure for the muslims that would be equally sufficient as that of the Christians. And by allowing inmates to be housed and fed in unsanitary conditions, Maliciously housed in unkempt housing units. All defendants are at fault for the cruel and unusual punishment towards the inmates. As well as deliberate indifferences toward the inmates.

## VI. INJURY

18. Above-said and named Defendant(s) actions caused on going injury, which Plaintiff suffers the "Ramifications" of the original acts. As a direct consequence of the Defendant's unconstitutional disclosure, and failure to establish or put in place preventive policies. The injuries to Plaintiff's consist of mental and physical duress, loss of religious services, loss of recreational privileges, deprivation of recreation, Post-Traumatic stress, physical torment, unsanitary eco system, unkempt health care system, cruel and unusual punishment, Denial of adequate living quarters, and exposure to infectious diseases. (Such as scabies,

Tuberculosis, seromanella poison, hepatitis etc...)

Memorandum of Law

19. Plaintiff's are entitled to be compensated under the eighth Amendment claim in which defendant(s) violated the inmates eighth and Fourteenth Amendment in which the Supreme Court held in Wilson v. Seiter, 501 U.S. 294. 111 S. Ct. 2321. 115 L. Ed 2d 271 (1991), the supreme court held that to establish an Eighth Amendment violation an inmate must allege both an objective element - that the deprivation was sufficiently serious and a subject element - that a prison official acted with a sufficiently culpable state of mind, i.e., deliberate indifference.

The instant case given in light with the totality of circumstances given rise to the eighth and Fourteenth Amendment violations, the threshold of demonstrating Delibered indifference. The Plaintiff's have crossed this hurdle with room to spare. It is clear in the instant case that defendant(s) objectively knew that the deprivation was sufficiently serious. And when viewed in light most favorable to plaintiff, the subjected or subjective element that A prison supervisory official has acted with a culpable state of mind (i.e., deliberate indifference.) the conditions of confinement to which the Plaintiff was subjected to. This complaint demonstrates a prima facias case of deliberate indifference to the letters

Sent to Defendant(s) supervisory officials [administrations] concerning all matters set forth in the complaint. All request for administrative remedies were refused. This suggest that the Defendant(s) were on actual notice by Plaintiff's report's of Rodents, Ants, termites, untimely sick call procedures, Three men to A cell, Prohibited religious service (ID) complaint at . 8, when read in light most favorable to Plaintiff. The record show's that Plaintiff has prevailed by demonstrating Defendant(s) Deliberate indifference to his plight.

WHEREFORE, Plaintiff(s) respectfully request Preaching liency under Haines v. Kerner, U.S. 111 (1972). And that this court enter judgement, granting Plaintiff(s):

- (1) A declaratory judgement that the Defendants' acts, described herein, violated Plaintiff's rights under the united states constitution.
- (2) A preliminary and permanent injunction which:
  - (a) Prohibits the Defendants, their successors, agents and employees, and all other persons in active concert and participation with them from harassing, threatening or retaliating in any way against any person, because they have submitted affidavits or testimony in this case on behalf of the Plaintiff.

(3) Compensatory damages in the amount of Five million Dollars (\$5,000,000) From Defendant, Raphael Williams, Warden, to be paid to Plaintiff For "consequential suffering".

(4) Punitive And compensatory damages in the amount of Five million Dollars (\$5,000,000) From Defendant, Ruth Ann Minner, Governor, to be paid to Plaintiff For "consequential suffering".

(5) Punitive And compensatory damages in the amount of Five million Dollars (\$5,000,000) From Defendant, Carl C. Danberg, Commissioner, to be paid to Plaintiff For "consequential suffering".

(6) Punitive damages in the amount of Five Million Dollars (\$5,000,000) From Defendant, James M. Baker, Mayor, to be paid to Plaintiff For "willfully conspiring" with above-said Defendants to violate Plaintiff's civil and constitutional Rights.

(7) Punitive damages in the amount of Five Million Dollars (\$5,000,000) From Defendant, C.M.S., health care, to be paid to Plaintiff For "willfully conspiring" with above-said Defendants to violate Plaintiff's civil and constitutional Rights

(8) A jury trial on all issues triable by jury.

(9) Plaintiff's cost for this suit.

(10) Such other and further relief as this court deems just, proper and equitable.

RESPECTFULLY SUBMITTED,

Raymond E. Blake

Date: 6/19/07

Raymond E. Blake SBI # 377092

C  
H.R.Y.C.I

P.O. Box 9561

Wilmington, DE. 19809

THE DISTRICT OF DELAWARE

RAYMOND E. BLAKE

CIVIL ACTION

PLAINTIFF:

(CIVIL RIGHTS COMPLAINT)

VS.

RAPHAEL WILLIAMS, WARDEN

NO.

CARL C. DANBERG, COMMISSIONER

RUTH ANN MINNER, GOVERNOR

JAMES M. BAKER, MAYOR

C.M.S , HEALTH CARE

DEFENDANT(S)

VERIFICATION

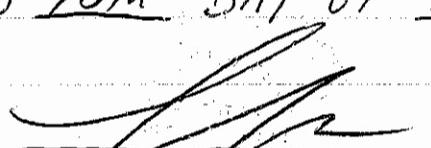
I have read the foregoing Amended civil Rights complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify, under the penalty of perjury, that the foregoing is true and correct.

Executed at Wilmington, Delaware on 15 <sup>th</sup>, 2007

By Raymond E. Blake

Raymond E. Blake

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 15th DAY OF June, 2007

  
NOTARY

IN: Raymond E. Blake  
SB# 37-4092 UNIT PT-B Tier

DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977



D.S.M.S.  
GRAY

02-14  
\$ 02.50<sup>0</sup>  
0004608975  
JUN 20 2007  
MAILED FROM ZIP CODE 19977

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
844 N. KING STREET, LOCKBOX 18  
WILMINGTON, DELAWARE 19801-3570

LEGAL MAIL